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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA - WESTERN

HILDRETH

V.

SHEEHAN, ET. AL.,

Motion TO APPOINT COUNSEL

CASE NO. #5:23-CV-04010-LTS-KEM

Comes Now, The Plaintiff Acting Pro SE, And makes  
This his Motion TO APPOINT COUNSEL IN SUPPORT, Plaintiff states  
the following:

1.) The Plaintiff is An incarcerated, Pro-SE, indigent Prisoner-  
Lifigant. He is NOT Educated, Has NO Background in Law, And is NOT  
Known AS A "Jail House Lawyer".

2.) The record on This CASE Has Substantially Developed  
Since Plaintiff's LAST REQUEST For Appointment of Counsel.

3.) Since the record has developed, Video footage has  
Been requested, And supposedly SENT By defense Counsel. Plaintiff  
Cannot view this footage At All - Due to his incarceration. SEE Exhibit #74

4.) NOT Being ABle to view, or Present, Evidence Severely  
Prejudices The Plaintiff - thus Warranting The Appointment of  
Counsel.

5.) Plaintiff has Submitted his witness List for his intended  
Witnesses. Plaintiff's witnesses, At Least some of them, Are incarcerated  
And Plaintiff Can NOT Contact them. Not Being ABle to call  
Any potential witnesses Proving his claims, Severely Prejudices The  
Plaintiff - Especially This far into The Claim.

(2)

6.) The Dispositive Motion Deadline, And discovery deadline has passed, Leaving only a Hearing To schedule a Trial Date, And then Trial itself.

7.) Plaintiff would Need to Call witnesses And cross-examine State witnesses, And Professional witnesses At trial in This matter. Plaintiff would have to present medical findings That He does Not understand - Thus warranting Appointment of Counsel.

8.) Plaintiff has filed a Complaint That Has survived The initial Review, And Multiple Requests To Be dismissed By defendants.

9.) The filed Complaint is Now-Frivolous, And the case Has progressed Beyond the Abilities of The Pro SE incarcerated Plaintiff - Who Cannot Review evidence in This matter Due to Penal Restrictions. SEE EXHIBIT #74

10.) As The defendants Argue "there is No Direct 8th Cir. Caselaw identical To This case", it is indicated that the Factual and Legal issues Are sufficiently Complex to Justify the Appointment of Counsel.

11.) Frivolous procedural requirements have Not Been relaxed, And the record Keeps Demonstrating Such, As Plaintiff's failure to ~~etc~~ electronically file Amended Pleadings Pursuant to LRS Keep getting his motions denied, And Counsel has Not Been Appointed. Counsel

(3)

Should Be APPOINTED Pursuant TO Findings in Williams v. Carter, 10 F.3d 563, 567 (8th Cir. 1993)

12.) The record clearly indicates that APPOINTMENT of Counsel would Be of great Benefit TO The Plaintiff, By Allowing him to review video And Audio footage, And to CONTACT his witnesses. THE court's would Benefit The APPOINTMENT of Counsel, As it would Smooth out the Pleadings, filings, And Hearings.

13.) With out counsel Plaintiff has No Access to Reviewing his Evidence. The Plaintiff, NOT Being ABle to Review evidence, ~~and~~ Creates A Severe PreJUDice TO The Plaintiff.

14.) Plaintiff has Proven Viable REASONS for the Court to Authorize APPOINTMENT of counsel in This case.

Where fore, The Plaintiff Prays The Court grant him this relief By APPOINTing Some form of Legal REPRESENTATION - Being an Attorney, Paralegal, or Law Clerk. Or any other form of relief The Court Can deem Necessary.

RESPECTFULLY Submitted,  
on 11-8-24, By  
Marvin Hildreth, #6338040  
Clarinda Correctional facility  
2000 N. 16th St.  
Clarinda IA 51632  
Mr. n

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CERTIFICATE OF SERVICE

The undersigned certifies that he has mailed a true and correct copy of the foregoing to the defendant's counsel of record, and the U.S. District Court (addresses below) by placing same in the United States mail at the Clarinda Correctional Facility, 2000 N. 16<sup>th</sup> St., Clarinda IA 51632, on this 8 day of November 2024.

Marvin Hildreth  
Marvin Hildreth

to: Klass Law Firm, LLP  
4280 Sergeant Rd  
Ste 290  
Sioux City IA 51106

U.S. District Court  
320-6<sup>th</sup> St.  
Rm 301  
Sioux City IA 51101-1210